

RECEIVED
CENTRAL FAX CENTER

MAR 23 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Owens, Jr.
In re:

Art Unit: 1623

U.S. Application

Inventor: EPSHTEIN

Serial No.: 09117838

Filed: 08/12/1998

DECLARATION OF UNOBVIOUSNESS

I hereby certify that this correspondence is
being deposited with the United States
Postal Service by First Class Mail on the
date indicated above and is addressed
to the Assistant Commissioner of Patents
and Trademarks, P. O. Box 1450
Alexandria, VA, 22313-1450

03/23/06
ILYA ZBOROVSKY

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia

Sir:

With the present Declaration, I, Evgeniy D. Goldberg, declare
that I am a Director of Scientific Research Institute of Pharmacology of
Tomsk Scientific Center of Siberian Department of Russian Academy of
Medical Sciences, and Academician of the Russian Academy of Medical

-1-

BEST AVAILABLE COPY

Sciences, Professor and Doctor of Medical Sciences at Pr. Lenin, D. 3, 634025, Tomsk Russia. I familiarized myself with Dr. Epshtein's invention of a method of making a medication and a medication produced by the method. I also familiarized myself with the subject matter of his U.S. patent application and also with the claims presented in this application. I also studied the patent to Amitai applied against the application.

I would like to state that I familiar in depth with medical science and practice and pharmacological approaches to treatment of patients, and I possess significant information about the pharmacological treatment of patients in Russia and around the world. It is well known that there are two schools of medical treatment. In particular, one school practices exclusively the use of medicinal substances in therapeutic doses. The other school practices exclusively the use of homeopathic substances.

Dr. Epshtein proposed a totally new medicinal substance which includes a corresponding substance in a therapeutic dose and a corresponding substance in a homeopathic dose which interact with one another. Dr. Epshtein proposed a totally new approach in making and using a medication which includes an active medicinal substance in a therapeutic dose or in other words produced by a conventional method, and a medicinal

BEST AVAILABLE COPY

substance in a homeopathic dose, or in other words produced by homeopathic method. These two different substances, which can have the same initial material, are totally different, and they conventionally produce different medical results. The new medication proposed by Dr. Epshtein is not just a mixture of a greater dose and a smaller dose of the same substance. Instead, his medication uses a medicinal substance which is produced by a conventional method of making medicinal substances, and a potentiated substance which is produced by a totally different method for producing homeopathic substances, or in other words the two substances are produced by completely different methods and they are completely different.

In a surprising and highly unobvious manner it was found that the new medication used by Dr. Epshtein produces results which are different from the results produced by conventional medications using substances in therapeutic doses, and from homeopathic medications which use substances in homeopathic doses. These unusual, advantageous and unobvious results are produced in our opinion because of specific interaction of the two different medicinal substances with one another, which was not known before. In particular, in our opinion information is transferred from the potentiated medicinal substances produced by a homeopathic method, to the

active medicinal substance in a therapeutic dose, so that a completely new medication is created.

These new features of Dr. Epshtein's invention are not disclosed in the patent to Anitai, they are not known in any of the existing medications, and they clearly show that Dr. Epshtein's invention is new, highly advantageous, and definitely unobvious.

It is therefore believed that this invention is patentable and a patent should be issued on it.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



E. D. Goldberg

-4-

BEST AVAILABLE COPY